

not be supplanting if the LEA received an emergency grant under this program to pay for the HVAC system.

(Authority: 20 U.S.C. 7707(b))

**§ 222.175 What regulations apply to recipients of funds under this program?**

The following regulations apply to the Impact Aid Discretionary Construction program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 75 (Direct Grant Programs) except for 34 CFR 75.600 through 75.617.

(2) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(3) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(4) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(5) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Non-procurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(b) The regulations in 34 CFR part 222, including subpart L.

(Authority: 20 U.S.C. 1221e-3)

**§ 222.176 What definitions apply to this program?**

(a) In addition to the terms referenced in 34 CFR § 222.2, the following definitions apply to this subpart:

*Bond limit* means the cap or limit that a State may impose on an LEA's capacity for bonded indebtedness. For applicants in States that place no limit on an LEA's capacity for bonded indebtedness, the Secretary shall consider the LEA's bond limit to be ten percent of its total assessed valuation.

*Construction* means:

(1) Preparing drawings and specifications for school facilities;

(2) Repairing, renovating, or altering school facilities;

(3) Extending school facilities as described in § 222.172(b);

(4) Erecting or building school facilities, as described in 222.172(c); and

(5) Inspections or supervision related to school facilities projects.

*Emergency* means a school facility condition that is so injurious or hazardous that it either poses an immediate threat to the health and safety of the facility's students and staff or can be reasonably expected to pose such a threat in the near future. These conditions can include the need to repair, replace, or install: a roof; electrical wiring; a plumbing or sewage system; or heating, ventilation, or air conditioning; or to bring a school facility into compliance with fire and safety codes.

*Level of bonded indebtedness* means the amount of long-term debt issued by an LEA divided by the LEA's bonding capacity.

*Minimal capacity to issue bonds* means that the total assessed value of real property in an LEA that may be taxed for school purposes is at least \$25,000,000 but not more than \$50,000,000.

*Modernization* means the repair, renovation, alteration, or extension of a public elementary or secondary school facility in order to support a contemporary educational program for an LEA's students in normal capacity, and in accordance with the laws, standards or common practices in the LEA's State.

*No practical capacity to issue bonds* means that the total assessed value of real property in an LEA that may be taxed for school purposes is less than \$25,000,000.

*Total assessed value per student* means the assessed valuation of real property per pupil (AVPP), unless otherwise defined by an LEA's State.

(Authority: 20 U.S.C. 7707(b))

(b) *Definitions in EDGAR.* The following terms used in this subpart are defined or referenced in 34 CFR 77.1:

Applicant  
Application  
Award  
Contract  
Department  
EDGAR  
Equipment  
Facilities  
Fiscal year